

# Calendar No. 827

91st CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 91-820

## KONG WAN NOR

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APRIL 30, 1970.—Ordered to be printed

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MR. EASTLAND, from the Committee on the Judiciary,  
submitted the following

## REPORT

[To accompany H.R. 5936]

The Committee on the Judiciary, to which was referred the bill (H.R. 5936) for the relief of Kong Wan Nor, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

### PURPOSE OF THE BILL

The purpose of the bill is to grant to the adopted child of lawful resident aliens of the United States the status of a second preference immigrant, which is the status normally enjoyed by the natural-born unmarried children of lawful resident aliens.

### STATEMENT OF FACTS

The beneficiary of the bill is a 9-year-old native of Hong Kong, who presently resides there with her adoptive grandmother. On November 6, 1962, the beneficiary was adopted by Mr. and Mrs. Jo-Yum Kong, who were admitted to the United States as parolees on November 10, 1962. Their status was adjusted to that of lawful resident aliens on July 20, 1966. The adoptive parents send money each month to Hong Kong to care for the beneficiary.

The following reports dated May 23, June 25, and October 2, 1968, respectively, were submitted to the chairman of the Committee on the Judiciary of the House of Representatives from the Commissioner of Immigration and Naturalization relating to H.R. 13158, which was a

similar bill for the relief of the same beneficiary pending in the 90th Congress:

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D.C., May 23, 1968.

A-17973177.

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 13158) for the relief of Kong Wan Nor, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service which has custody of those files.

The bill would confer second-preference status in the issuance of an immigrant visa upon the 7-year-old daughter of lawful permanent residents of the United States. The bill further provides that the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The latest available information indicates that the second preference for China is not oversubscribed. As a nonpreference immigrant, the beneficiary would be chargeable to the total number of natives of China who may be admitted as immigrants and conditional entrants.

Sincerely,

RAYMOND F. FARRELL,  
*Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE H.R. 13158

Information concerning this case was obtained from Mr. and Mrs. Jo-Yum Kong, the beneficiary's adoptive parents, who are the interested parties.

The beneficiary, Kong Wan Nor, a native of Hong Kong, British Crown Colony, and a citizen of the United Kingdom and colonies, was born on December 12, 1960. She was adopted by the interested parties on November 6, 1962, in the Supreme Court of Hong Kong and lives with Mrs. Kong's mother at Kowloon, Hong Kong. Prior to adoption, the beneficiary lived in an orphanage which listed her as Yuk Lan, an abandoned baby. Information concerning the beneficiary's natural parents is not available. Mr. Kong sends from \$80 to \$120 a month to Hong Kong to care for the beneficiary.

Mr. Jo-Yum Kong, a native and citizen of China, was born on November 25, 1931. He and his wife live at Sacramento, Calif. He was married to Au Mann Bing at Hong Kong by Chinese ceremony in May 1958. Their marriage was recorded for civil records at Hong Kong as of June 4, 1962. The interested parties lived in their respective home villages from birth until they moved to Hong Kong in 1957. Mr. Kong attended school 11 years. He was employed in Peoria, Ill., until April 1, 1968, as a restaurant cook receiving \$500 a month. He will seek similar employment in Sacramento. The interested parties have

joint savings of \$1,000. Mr. Kong's parents are deceased. He has a married sister, Mrs. Pearl Chan, a citizen of the United States, and three brothers and two sisters living in China.

Mrs. Mann Bing Au Kong, a native and citizen of China, was born on October 30, 1935. She attended school 4 years. She is not employed and has no personal income or assets. Her father lives in Manila, Philippines; her mother, in Hong Kong. A brother, a Chinese citizen, lives in Brazil. A sister lives on the Chinese mainland.

A visa petition filed by Mrs. Pearl Chan on January 22, 1958, was approved on March 27, 1958, to accord Jo-Yum Kong fourth preference in the issuance of an immigrant visa. The petition was revaluated on June 15, 1962. The U.S. consulate at Hong Kong advised this Service on July 31, 1962, that although the interested parties were being considered for parole into the United States as refugees, Mrs. Kong was certified to have noncommunicable tuberculosis and could not travel to this country until suitable arrangements were made to comply with U.S. Public Health Service health requirements. Such arrangements were made with the Peoria Municipal Tuberculosis Sanitarium, and the interested parties entered the United States as parolees on November 10, 1962. They resided in Peoria where Mr. Kong was employed as a cook in a restaurant operated by Pearl Chan and her husband. The interested parties moved to Sacramento in 1963. Mrs. Kong had remained there since. Mr. Kong worked in Sacramento, then returned to Peoria from July to September 1965. He then returned to his employment in Sacramento.

On June 3, 1966, a visa became available to Mr. Kong in the fifth-preference category, and on July 20, 1966, his status was adjusted to that of an alien lawfully admitted for permanent residence. A waiver of Mrs. Kong's physical condition was granted, and, as the spouse of Mr. Kong, her status was adjusted to that of a permanent resident. Mrs. Kong continued under medical supervision of a physician. Mr. Kong returned to Peoria in September 1967 and again worked for his sister. About April 1, 1968, he returned to Sacramento where he plans to maintain his home.

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D.C., June 25, 1968.*

A-7973177.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary, House of Representatives,*  
*Washington, D.C.*

DEAR MR. CHAIRMAN: This refers to H.R. 13158 in behalf of Kong Wan Nor.

The Service report of May 23, 1968, erroneously stated that the beneficiary would be chargeable to China. As the beneficiary was born in Hong Kong she would be chargeable to Hong Kong, a subquota of Great Britain.

The committee may wish to amend line three of the bill to read "203(a)(2)" instead of "202(a)(2)".

Sincerely,

RAYMOND F. FARRELL,  
*Commissioner.*

U.S. DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D.C., October 2, 1968.*

A-17973177.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives,  
Washington, D.C.*

DEAR MR. CHAIRMAN: This refers to H.R. 13158 in behalf of Kong Wan Nor.

Mr. Jo-Yum Kong is now employed as a restaurant cook receiving about \$475 a month.

Sincerely,

RAYMOND F. FARRELL,  
*Commissioner.*

The Department of State submitted the following report dated June 28, 1968, to the chairman of the Committee on the Judiciary of the House of Representatives relating to H.R. 13158, 90th Congress:

DEPARTMENT OF STATE,  
*Washington, D.C., June 28, 1968.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: In reference to your request for a report concerning the case of Kong Wan Nor, beneficiary of H.R. 13158, 90th Congress, there is enclosed a memorandum of information concerning the beneficiary. This memorandum has been submitted by the American consulate general at Hong Kong, in whose consular jurisdiction the beneficiary resides.

Since it is believed that the bill is intended to confer second preference status in the issuance of an immigrant visa upon the adopted daughter of Mr. and Mrs. Jo-Yum Kong, permanent residents of the United States, the committee may wish to change the pertinent section of the Immigration and Nationality Act referred to in line 3 of the bill to read 203(a) (2) rather than 202(a) (2). The bill also provides that the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege or status under the Immigration and Nationality Act.

The beneficiary is chargeable to the numerical limitation for Hong Kong, a dependent area of Great Britain.

Sincerely yours,

WILLIAM B. MACOMBER, JR.,  
*Assistant Secretary for Congressional Relations.*

MEMORANDUM OF INFORMATION CONCERNING H.R. 13158 FOR THE  
RELIEF OF KONG WAN NGOR

Kong Wan Ngor was born December 12, 1960, in Hong Kong. She is presently residing with her adoptive grandmother, Lam Lin Ho. The beneficiary was adopted from the Ling Yuet Sin Infants' Home on November 6, 1962. (Copies of adoption papers and birth certificate showing adoptive parents are attached.)



Kong Wan Ngor's adoptive mother, Kong Au Man Bing, was born in 1935 in Toishan, Kwangtung, China. Her adoptive father, Kong Jo Yum, was born in 1931 in Toishan, Kwangtung, China. The beneficiary is their only child.

The beneficiary's parents were paroled into the United States on September 10, 1962. At the time their applications were being processed no mention was made of the adoption proceeding which were then in process. The final approval of the adoption came after Mr. and Mrs. Kong had departed Hong Kong. Kong Wan Ngor's adoptive uncle, Lam Ying Kin, and grandmother, Lam Lin Ho, have been taking care of the child since her adoption.

The beneficiary is in her third year of school. The grandmother receives from the parents approximately US\$80 per month.

The medical examination taken by the beneficiary reveals no cause for ineligibility.

REGISTRAR, SUPREME COURT,  
*Hong Kong, November 20, 1962.*

Re adoption case No. 56/62.

Mr. and Mrs. KONG JO YUM,  
*4, Lun Cheung St., 3rd fl.,  
To Kwa Wan, Kowloon.*

DEAR SIR and MADAM: In accordance with rule 19 of the adoption rules, 1956, I send you herewith a sealed copy of the adoption order made by this court in the above-mentioned case.

Yours faithfully,

A. M. NIAMATULLAH,  
*p. Registrar.*

Congressman John E. Moss, the author of the bill, submitted the following statement to the Committee on the Judiciary of the House of Representatives in support of the bill:

Mr. Chairman, my bill proposes to facilitate the immigration of an 8-year-old orphan child, Kong Wan Nor, who was adopted as an infant in Hong Kong by Mr. and Mrs. Jo-Yum Kong, and who lived with them 1½ years before they were paroled to the United States on November 11, 1962. A visa petition on the little girl's behalf cannot be approved under existing law because the adoptive parents are not yet citizens of the United States, and because the child did not reside with adoptive parents for the required 2 years. The child resides with her grandmother in Hong Kong who is advanced in age and unable to give the child the proper care and attention during her formative years.

It is unfortunate that Mr. and Mrs. Kong were unable to bring their adopted daughter with them when they were paroled but as they knew very little English, it was difficult for them to make appropriate contacts with various official agencies.

I respectfully ask that the committee give little credence to the unfavorable statement of Mrs. Pearl Chan of Peoria, Ill., sister of Mr. Kong, who sponsored his parole but later turned hostile when he tried to improve his status in life.

Mrs. Chan did make false allegations against the Kongs to prevent them from leaving her employ where she forced them to work long hours with no pay, demeaning them to a servile status. Although Mrs. Chan kept their parole certificate as a means of forcing them to remain in her custody, they moved to Sacramento, Calif., in 1963 where Mr. Kong is employed as a restaurant cook in good standing. Mr. Kong is a teacher by profession and his father was a school official in China where he was killed by the Communists.

I firmly believe, and the records will bear me out, that Mr. and Mrs. Kong are worthy of your consideration and my bill would serve to reunite a child with her parents whose dream is to become American citizens as soon as possible and provide a home for their adopted daughter, Kong Wan Nor, the beneficiary of my bill.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 5936) should be enacted.

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